

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

C. EARL GRANT

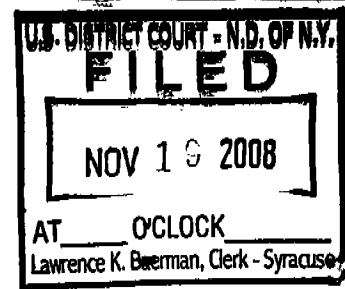
Plaintiff,

vs.

NATIONAL BOARD OF MEDICAL EXAMINERS and
FEDERATION OF STATES MEDICAL BOARD

Defendants.

C. Earl Grant, Plaintiff *Pro Se*
Thomas S. D'Antonio, Esq. for Defendants
Hildreth J. Martinez, Esq. for Defendants



7:07-CV-996
(TJM/GJD)

MOTION TO AMEND COMPLAINT AND REQUEST DISCOVERY

1. Plaintiff respectfully petitions this Court to grant him permission to amend his Complaint, under Federal Rule of Civil Procedure (FRCP) 15(a)(2), to: a) name additional defendants; b) plead additional facts in support of additional causes of action; and c) request additional relief, including compensatory and punitive damages.

2. The Plaintiff requests leave to amend his complaint since his former counsel, Stefan D. Berg, did not adequately represent his interests in this matter in preparing the pleadings filed herein.

3. On or about 3 June 2007, the Plaintiff retained the services of Mr. Stefan Berg, an attorney licensed in the State of New York to assist him with this matter. Despite the Plaintiff providing Mr. Berg a detailed chronology of facts underlying this matter, Mr. Berg did not prepare a Complaint that fully informed the Court and the Defendants of the

Plaintiff's allegations. Moreover, the Complaint filed by Mr. Berg did not specify all of the Plaintiff's causes of action. Nor did the Complaint adequately express the remedies sought by the Plaintiff.

4. In approximately June 2008, the Plaintiff believes that Mr. Berg was suspended from the practice of law, and since then, the Plaintiff has been unable to retain substitute counsel. Prior to Mr. Berg's suspension, the Plaintiff detailed the factual background of his cause to his attorney, explaining the wrongful actions of the various Defendants, and the relief the Plaintiff requested. In spite of these discussions, the Plaintiff's former counsel did not fully incorporate the facts into the Complaint filed herein, nor did the Plaintiff's former counsel request declaratory relief, injunctive relief, compensatory damages, punitive damages, or treble damages as authorized under statute. Because of these omissions, the Plaintiff's rights have been unjustly abridged.

5. In addition, the Plaintiff believes that his former counsel did not serve the Defendants with any requests for discovery, and that the time for such action has now expired under the Federal Rules for Civil Procedure. The denial of this fundamental right has likewise severely prejudiced the Plaintiff in this matter.


6. Given the problems presented to the Plaintiff following the suspension of his counsel, the Plaintiff believes that this Court should allow him to amend his Complaint under FRCP 15(a)(2) which provides in relevant part that courts should freely grant leave for parties to amend pleadings when justice so requires.

WHEREFORE, the Plaintiff asks that this Court permit him to amend his Complaint to allege additional facts and causes of action, and after the Amended Complaint has been filed, to serve the Defendants with discovery under the Federal Rules

of Civil Procedure, and the Rules of this Court. The Plaintiff also asks for such other and further relief as the Court may determine to be just and equitable.

Respectfully Submitted,


Dated: October 22, 2008


BY: C. Earl Grant, M.D., Ph.D.
Plaintiff, *Pro Se*
9501 Farrell Road
P.O. Box 1067
Fort Belvoir, VA 22060
(561) 537-0229

CERTIFICATE OF SERVICE

I, C. Earl Grant, the Plaintiff in this case, do hereby certify that on this ____ day of October, 2008, I mailed a true copy of the foregoing by postage prepaid first class mail, to all counsel of record.

Dated: October 22, 2008


BY: C. Earl Grant, M.D., Ph.D.
Plaintiff, *Pro Se*
9501 Farrell Road
P.O. Box 1067
Fort Belvoir, VA 22060
(561) 537-0229

C. Earl Grant, M.D., Ph.D.
9501 Farrell Road
P.O. Box 1067
Fort Belvoir, VA 22060

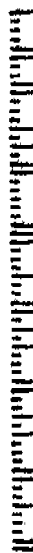
CERTIFIED MAILTM
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

7006 3450 0001 8618 0386



Clerk of the Court
USDC Northern Dist of New York
U.S. Courthouse
100 South Clinton Street
P.O. Box 7396, Syracuse, N.Y. 13261-7396

13261-7396



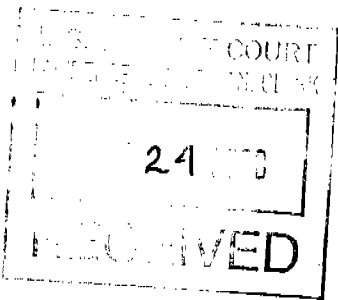
0000



13261

U.S. POSTAGE
PAID
FORT BELVOIR, VA
OCT 22 08
FMDUNT

\$412-
00075689-06



7006 3450 0001 8618 0386